

Remarks

Claims 4, 10, 15, and 17-29 are currently pending in this application. The Applicant respectfully requests allowance of the present application in view of the claim amendments above and remarks set forth below.

Claim Rejections – Double Patenting

Claims 4, 10, 15, 17-19, 22, 25, 27 and 29 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 2-3, 18, and 28-31 of U.S. Patent No. 7,185,340. To overcome this rejection, Applicant has submitted a new Terminal Disclaimer with this response. Applicant has also filed a new Power of Attorney in this matter to support the newly filed Terminal Disclaimer.

Claim Rejections – 35 U.S.C. § 101

The Examiner has maintained her rejection of Claim 15 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. To overcome this rejection, Applicant has amended Claim 15. Applicant believes amended Claim 15 is directed to statutory subject matter and therefore respectfully requests allowance of same.

Allowable Subject Matter

Applicant believes that all pending claims are allowable and respectfully requests that the Examiner issue a Notice of Allowance. Should the Examiner have questions, the Applicant's undersigned representative may be reached at the number provided.

Respectfully submitted,
Clifford L. Hersh

Date: February 26, 2009

/V. Randall Gard/
V. Randall Gard, Reg. No. 33,886
Gard & Kaslow *LLP*
One 1st Street, Suite 9
Los Altos, CA 94022
Phone (650) 305-3050
Fax (650) 305-3055